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10 LIMITED d/b/a/ ALIEXPRESS, and
ALIBABA.COM

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
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15 EARTHSTONE INTERNATIONAL, LLC,
16 Plaintiff,
17 v.
18 ALIBABA GROUP HOLDING LIMITED
d/b/a/ ALIEXPRESS, and ALIBABA.COM,
19 Defendants.
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Case No. 3:11-cv-01990 SI

**DECLARATION OF TIMOTHY
ALEXANDER STEINERT IN
OPPOSITION TO AMENDED
EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Judge: Hon. Susan Illston
Date: May 6, 2011
Time: 9:00 a.m.
Location: Courtroom 10, 19th Floor

DECLARATION OF TIMOTHY
ALEXANDER STEINERT IN OPP. TO
MOT. FOR TRO AND PRELIMINARY
INJUNCTION

CASE NO.: 3:11-cv-01990 SI

I, Timothy Alexander Steinert, declare as follows:

1. I am the General Counsel and Secretary of Alibaba Group Holding Limited (“AGHL”), a named defendant in this action. I submit this declaration in opposition to the Plaintiff’s Amended Emergency Motion for Temporary Restraining Order and Preliminary Injunction (the “Motion”). I have personal knowledge of the facts stated below and, if called upon as a witness, could testify competently to such facts.

2. AGHL is a privately-held holding company of a family of internet-based businesses primarily focused, through a number of separately incorporated subsidiaries, on e-commerce, business-to business international trade, online retail and payment platforms, and data-centric cloud computing services. AGHL is a company registered in the Cayman Islands. AGHL and its subsidiaries employ more than 22,000 people in the Greater China, India, Japan, Korea, Singapore, the United Kingdom, and the United States.

3. AGHL does not operate, or exercise day-to-day direct control over the contents of product listings on, either www.alibaba.com or www.aliexpress.com websites (collectively, the “Alibaba.com Websites”). The Alibaba.com Websites are operated by Alibaba.com Limited and its subsidiary, Alibaba.com Hong Kong Limited. In fact, AGHL does not directly operate in any way either of the Alibaba.com Websites.

4. AGHL does not manufacture, post, sell or market any of the products listed on the Alibaba.com Websites.

5. Other than by the Plaintiff’s delivery of the Motion to Alibaba.com, Inc., another subsidiary of Alibaba.com Limited based in Santa Clara, California, I am not aware of any other efforts by the Plaintiff to notify AGHL of the Motion or to serve the Complaint or Amended Complaint onto AGHL.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this on 3 May 2011 in Hong Kong.



Timothy Alexander Steinert